

II. Summary of Office Action

Claims 1-64 were pending in this application.

The Examiner has finally rejected claims 1, 4-12, 20, 28-33, 36-44, 52, 59-62 under 35 U.S.C. § 103(a) as being "unpatentable over applicant's [sic.] admitted prior art . . . in view of Starsight [sic.] Telecast, Inc. (hereinafter "Starsight" [sic.]) (WO 97/42763)" (Detailed Action, p. 2, ¶3).

The Examiner rejected claims 2, 3, 35 and 64 under 35 U.S.C. § 103(a) as being obvious from applicants' admitted prior art in view of StarSight, further in view of Logan et al. U.S. Patent 5,721,827 (hereinafter "Logan") (see, Detailed Action, p. 4, ¶4).

The Examiner rejected claims 13-35, 19, 34, 45-47, 51 and 63 under 35 U.S.C. § 103(a) as being obvious from applicants' admitted prior art in view of StarSight in view of Klosterman U.S. Patent 5,828,945 (hereinafter "Klosterman") (see, Detailed Action, p. 6, ¶5).

The Examiner rejected claims 16, 17, 48 and 49 under 35 U.S.C. § 103(a) as being obvious from applicants' admitted prior art in view of StarSight in view of Klosterman, further in view of Kummer et al. U.S. Patent 5,790,202 (hereinafter "Kummer") (see, Detailed Action, p. 7, ¶6).

The Examiner rejected claims 18 and 50 under 35 U.S.C. § 103(a) as being obvious from applicants' admitted prior art in view of StarSight in view of Klosterman, in view of Kummer, further in view of Moncreiff U.S. Patent 5,828,839 (hereinafter "Moncreiff") (see, Detailed Action, p. 8, ¶7).

The Examiner rejected claims 21-22 and 53-54 under 35 U.S.C. § 103(a) as being obvious from applicants' admitted prior art in view of StarSight in view of LaJoie et al. U.S. Patent 5,850,218 (hereinafter "LaJoie") (see, Detailed Action, p. 8, ¶8).

The Examiner rejected claims 23-26 and 55-57 under 35 U.S.C. § 103(a) as being obvious from applicants'

admitted prior art in view of StarSight in view of Youman et al. U.S. Patent 5,629,733 (hereinafter "Youman") (see, Detailed Action, p. 9, ¶9).

The Examiner rejected claims 27 and 58 under 35 U.S.C. § 103(a) as being obvious from applicants' admitted prior art in view of StarSight in view of White et al. U.S. Patent 5,596,373 (hereinafter "White") (see, Detailed Action, p. 10, ¶10).

III. Summary of Applicants' Reply

Applicants have proposed amending claims 1 and 36 in order to more particularly define the invention. Applicants continue to believe that the Examiner's rejections are in error for the reasons previously stated, and for at least the reasons discussed below. The Examiner's rejections are respectfully traversed.

IV. Showing of Good and Sufficient Reason Under 37 C.F.R. § 1.116(b)

Applicants request amendment of this application, even though a final rejection has been issued. Proposed amended claims 1 and 36 merely detail what applicants believed was apparent from the originally filed claims -- namely, that the term real-time data corresponded to data pertaining to events being televised live. Indeed, the term real-time means the time in which the occurrence of an event and the reporting or recording of it are almost simultaneous (Webster's New World College Dictionary, Third Edition, page 1118).

Furthermore, the Examiner's correct understanding of the term "real-time" is demonstrated when the Examiner states that "the program guide would be more than a series of static pages providing the user with up-to-date information as soon as the information or data is created" (Detailed Action, p. 3, lines 10-11).

While applicants believe that the proposed amendment to the claims merely defines the already present term real-time data, in order to expedite allowance of

applicants' application, applicants have proposed to amend claims 1 and 36. In particular, applicants' claims 1 and 36, if amended as proposed, clearly recite that the real-time data corresponds to events being televised live.

Applicants have diligently addressed the Examiner's concerns throughout the prosecution of this application and have proposed amending the claims to more particularly point out and distinctly claim the invention. In light of the proposed amendments, reconsideration of this application is respectfully requested.

V. Applicants' Reply to the Rejections Under 35 U.S.C. § 103

The Examiner has finally rejected claims 1-64 under 35 U.S.C. § 103(a) as being obvious over a combination of references, each combination described under respective Sections in the Examiner's Detailed Action (see, Detailed Action, Sections 3-10, pp. 2-10). However, in only one of said Sections -- i.e., Section 3, pp. 2-4 -- is the Examiner's rejection directed toward applicants' independent claims -- i.e., claims 1 and 36 --; the remaining Sections are all directed toward dependent claims of applicants' invention, rejected under various combinations of alleged prior art cited by the Examiner.

Because only Section 3 of the Examiner's Detailed Action is directed toward applicants' independent claims, and because in Section 3 the Examiner relies on StarSight exclusively for its alleged disclosure of embedded real-time data and impliedly acquiesces (correctly) that none of the other references cited by the Examiner, taken alone or in combination, contain matter directed toward embedded real-time data, applicants are addressing embedded real-time data in this Reply, and StarSight in particular.

In Section 3, the Examiner rejected claims 1, 4-12, 20, 28-33, 36-44, 52 and 59-62 under 35 U.S.C. § 103(a) as being obvious "over applicant's [sic.] admitted prior art . . . in view of Starsight [sic.]" (Detailed

Action, p. 3, ¶2). The Examiner's rejection is respectfully traversed.

Applicants' invention is directed toward providing users at a multimedia system access to television program listings containing embedded real-time data over an Internet communications link. The television program listing may be, for example, for a sporting event that is currently being broadcast and the real-time data may be the current score of the event, the current weather where the event is taking place, or any other suitable real-time information on the event (see, Specification, p. 3, lines 26-30).

In accordance with an illustrative embodiment of applicants' invention, dynamic information about televised events in progress is provided over an Internet communications link to users at multimedia systems by way of real-time data embedded in program listings. For example, the current score in a basketball game being played that is being televised is embedded within the row of text of the corresponding television program listing which indicates that the game is being televised -- i.e., within the program title -- (see, Specification, p. 19, lines 13-23; and FIG. 9). Similarly, real-time data pertaining to the weather may be embedded within the program title of an outdoor event such as a marathon, which may be in progress and being televised or which may be scheduled to be televised in the near future.

Because the real-time data is embedded in the television program listings, applicants' invention enables a user to, for example, view a list of sports programs by selecting the by category option from the program guide menu page, and view all corresponding embedded real-time data simultaneously along with respective program names in the program listings if one or more sport events were then in progress (see, Specification, p. 24, lines 9-21).

Proposed independent claims 1 and 36 of applicants' invention are directed toward a system and method, respectively, for providing television program

listings with embedded real-time data to users at multimedia systems over an Internet communications link.

In rejecting applicants' independent claims 1 and 36, the Examiner alleges that "Starsight [sic.] teaches a system and method for displaying and presenting an electronic program schedule guide with embedded real-time data" (Detailed Action, p. 3, lines 6-7). In support for this allegation, the Examiner cites "page 8, lines 30-32; page 12, lines 11-17" of StarSight (Detailed Action, p. 3, lines 7-8). Applicants respectfully submit that the Examiner is mistaken in his belief and has mischaracterized the reference.

The passage on page 8, lines 30-32 of the StarSight reference relied upon by the Examiner in rejecting applicants' claims 1 and 36 pertains to "an information region" containing product information that the user may click on to "tune to an infomercial on the product," clearly not real-time data corresponding to events being televised live.

That which the Examiner relies on for an alleged disclosure of an electronic program schedule guide with embedded real-time data is a "program schedule guide with information regions for displaying additional information" (StarSight, p. 2, lines 7-8). These information regions are reserved for information that viewers may desire and are, accordingly, set apart from the program listings and not embedded in the program listings (see, StarSight, p. 1, line 32 - p. 2, line 4; p. 11, lines 11-12; and FIGS. 2(a) and 3(a)).

Similarly, the passage on page 12, lines 11-17 of the StarSight reference also relied upon by the Examiner in rejecting applicants' claims 1 and 36 refers to an information region promoting a program that will air in the future. The reference goes on to further state that upon clicking the information region, a user may see a message screen which "displays a description of the program content." While in another embodiment, the message screen

may contain an icon which the user may click on to view a video preview.

The StarSight reference relied upon by the Examiner in rejecting applicants' independent claims 1 and 36 does not teach or suggest a system or method for displaying and presenting an electronic program schedule guide with embedded real-time data over an Internet communications link. The specific examples used in the above-described passages pertain to a movie, and the information accessed by the user upon clicking on the icon relates to a video preview of the movie, clearly not real-time data.

In response to applicants' Reply to the Office Action dated February 17, 1999, the Examiner gives only two reasons for maintaining his rejection under 35 U.S.C. § 103(a).

Firstly, the Examiner states that "the features upon which applicant [sic.] relies (i.e., embedded scores from sports events or current weather information, [sic.]) are not recited in the rejected claim(s)" (Detailed Action, p. 10, lines 15-17).

It is evident from applicants' independent claims 1 and 36, if amended as proposed, as well as prior to said proposed amendment, that both independent claims recite "providing the television program listings with embedded real-time data."

Additionally, applicants have proposed to amend claims 1 and 36 to recite that "said real time data correspond[s] to events being televised live" in order to more particularly point out and distinctly claim the invention (claims 1 and 36, if amended as proposed).

Clearly, in their Reply to the Office Action dated February 17, 1999, applicants mentioned embedded scores from sports events or current weather information as merely two of several examples of real-time data used to further illustrate applicants' invention. This is evident from the passage, reproduced hereunder for the Examiner's

convenience, from applicants' Reply to the Office Action dated February 17, 1999:

"The television program listing may be, for example, for a sporting event that is currently being broadcast and the real-time data may be the current score of the event, the current weather where the event is taking place, or any other suitable real-time information on the event" (emphasis added).

It is clear from the foregoing that the Examiner's belief that applicants have failed to recite features relied upon in the rejected claims is misplaced.

Secondly, and lastly, in maintaining his rejection under 35 U.S.C. § 103(a) in response to applicants' Reply to the Office Action dated February 17, 1999, the Examiner states that "[a]pplicant [sic.] falls short in arguing that StarSight has been mischaracterized since StarSight specifically teaches an electronic program schedule guide with embedded real-time data containing textual information, video images, video clips, audio clips and a combination thereof" (Detailed Action, p. 11, lines 3-6).

In support for the above assertion, the Examiner cites "page 7, lines 1-16; page 8, lines 6-33; page 9, lines 18-20; and page 12, lines 11-17" of StarSight (Detailed Action, p. 11, lines 6-7). Applicants respectfully submit that the Examiner is mistaken in his belief.

None of the passages of StarSight relied upon by the Examiner in support of his assertion teach or suggest a system and a method for providing dynamic information about televised events in progress over an Internet communications link to users at multimedia systems by way of real-time data embedded in program listings.

Indeed, the textual information, video images, video clips, audio clips and any combination thereof do not

comprise real-time data corresponding to events being televised live.

For example, page 12, lines 11-17 of the StarSight reference relied upon by the Examiner in support of his assertion refers to an information region promoting a program that will air in the future. The reference goes on to further state that upon clicking the information region, a user may see a message screen which "displays a description of the program content." While in another embodiment, the message screen may contain an icon which the user may click on to view a video preview, clearly not real-time data corresponding to an event being televised live.

Similarly, Page 8, lines 6-33 of the StarSight, also relied upon by the Examiner in support of his assertion, pertains to "an information region" containing product information that the user may click on to "tune to an infomercial on the product." Again, clearly not real-time data corresponding to an event being televised live, but merely regions reserved for information that viewers may desire and are, accordingly, set apart from the program listings, contrary to applicants' invention providing program listings embedded with real-time data corresponding to events being televised live (see, StarSight, p. 1, line 32 - p. 2, line 4; p. 11, lines 11-12; and FIGS. 2(a) and 3(a)).

As should be clear from the above, in contrast to applicants' invention which discloses and claims a system and a method for providing dynamic information about televised events in progress over an Internet communications link to users at multimedia systems by way of real-time data embedded in program listings, StarSight merely discloses providing non real-time information in addition to television program schedule information in regions reserved for information that viewers may desire and are, accordingly, set apart from the program listings.

Accordingly, applicants respectfully submit that StarSight neither shows nor suggests the features of applicants' claims 1 and 36, if amended as proposed, and claims which depend therefrom, and therefore these claims are in condition for allowance.

VI. Conclusion

For the reasons set forth above, applicants respectfully submit that this application, if amended as proposed, is in condition for allowance. Reconsideration, entry of the proposed amendments, and prompt allowance of this application are respectfully requested.

Respectfully submitted,

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